



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 7

BRIAN J. COLANDREO
FISH & RICHARDSON P.C.
225 FRANKLIN STREET
BOSTON, MA 02110-2804

COPY MAILED

JUN 26 2002

OFFICE OF PETITIONS

In re Application of	:	
Alden Dorosario et al	:	DECISION GRANTING
Application No. 10/002,470	:	PETITION
Filed: October 23, 2001	:	
Attorney Docket No. 10984-600001 /	:	
P-269	:	

This is a decision on the paper styled "PETITION TO ACCORD A FILING DATE" filed June 4, 2002, which is properly treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of October 23, 2001, rather than the presently accorded filing date of November 23, 2001.

Applicants allege that the application was deposited in "Express Mail" service with the U.S. Postal Service on October 23, 2001. In support, applicants provided, inter alia, a copy of the Express Mail label, receipt no. EL485673451US, showing a Date-In of October 23, 2001. The same Express Mail receipt number appears on the original transmittal letter found in the file. Applicants request that the application be accorded a filing date of October 23, 2001.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on October 23, 2001.

The petition is granted.

No petition fee is required and none has been charged.

The application is being returned to Initial Patent Examination Division for correction of the filing date to October 23, 2001.

Telephone inquiries specific to this matter should be directed to
Wan Laymon at (703) 306-5685.



Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy